



U.S. DEPARTMENT of STATE

Zambia

Country Reports on Human Rights Practices - [2003](#)

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Zambia is a republic governed by a president and a unicameral national assembly. Since 1991, multiparty elections have resulted in the victory of the Movement for Multi-Party Democracy (MMD). MMD candidate Levy Mwanawasa was elected President in 2001, and the MMD won 69 out of 150 elected seats in the National Assembly. Domestic and international observer groups noted general transparency during the voting; however, they criticized several irregularities. Opposition parties challenged the election results in court, and court proceedings were ongoing at year's end. The anti-corruption campaign launched in 2002 continued during the year and resulted in the removal of Vice President Kavindele and the arrest of former President Chiluba and many of his supporters. The Constitution mandates an independent judiciary, and the Government generally respected this provision; however, the judicial system was hampered by lack of resources, inefficiency, and reports of possible corruption.

The police, divided into regular and paramilitary units under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Security and Intelligence Service (ZSIS), under the Office of the President, is responsible for intelligence and internal security. Civilian authorities maintained effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

Approximately 60 percent of the labor force worked in agriculture, although agriculture contributed only 15 percent to the gross domestic product. Economic growth increased to 4 percent for the year. A severe budget shortfall precipitated by the Government's agreement to a wage and benefit increase for government employees resulted in the suspension of balance of payment support from donors and the postponement of debt forgiveness. The Government's failure to pay housing allowance increases for civil servants prompted nationwide strikes during the year. Approximately 73 percent of the country's estimated 10 million population lived below the poverty line.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police officers committed several unlawful killings and tortured, beat, and otherwise abused criminal suspects and detainees. Some police officers who committed these abuses were disciplined or remained in detention pending trial; however, most did so with impunity. The lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. The Government launched the Police Public Complaints Authority (PPCA) during the year to combat police misconduct. Prison conditions were harsh and life threatening. Arbitrary arrests, prolonged detention, and long delays in trials were problems. The police infringed on citizens' privacy rights. The Government at times sought to restrict press freedom. Police forcibly dispersed demonstrations and obstructed rallies of the political opposition, labor unions, and civil society groups. Violence and discrimination against women remained widespread. Child abuse, child labor, and discrimination against persons with disabilities were problems. Workers' rights were limited. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, security forces committed numerous unlawful killings during the year. The Legal Resources Foundation (LRF), an independent human rights organization that counseled victims' families and represented them in actions against the Government, consistently investigated and publicized such incidents.

On May 27, police in the Lusaka neighborhood of Kabwata shot and killed Tombozgani Chirambo, head coach of a local basketball team, as he returned home following an evening practice session. Following complaints by Chirambo's family and the Law Association of Zambia (LAZ), the Government arrested and charged two officers with murder. The court ordered the two officers held without bail; however, there was no trial by year's end.

Police killed several suspects during apprehension and in custody. For example, on January 29, Lusaka police arrested Chomba Mulamba, a Congolese national, on suspicion of illegal possession of a firearm. Police transported Mulamba to nearby

detention cells, where they severely beat him, breaking his ribs and both of his legs. Mulamba remained in the cell for several days with no medical care. Following protests from his uncle, police transported Mulamba to the hospital, where he died following the amputation of one of his legs. No action was taken against those responsible by year's end.

On May 6, LRF reported that Tobias Kapenda Tembo died after two police officers beat him in Livingstone. No action was taken against the perpetrators by year's end.

On November 14, police in Kabwe arrested and beat Chisenga Chisenga on suspicion of theft. When his father visited him in the police cell shortly after his arrest, Chisenga was unable to stand, had several contusions, and was bleeding from the mouth and ears; he was pronounced dead 4 hours after his arrest. The police claimed Chisenga committed suicide; however, Chisenga's father charged that police refused to provide medical care for his son. The police promised to investigate Chisenga's death; however, no action had been taken by year's end.

Police forcibly dispersed demonstrations during the year; at least one person was killed (see Section 2.b.).

On February 17, former State House Permanent Secretary Gibsonimba and his accomplices were sentenced to death for the 2001 murder of three teachers; LRF initiated a civil suit in the case during the year.

On February 19, the Lusaka High Court sentenced police officer Patson Mwale to 20 years in prison for the 1999 murder of Ben Shatuka.

On May 1, the police officer who killed Joe Mpembeni in 2002 over an unpaid beer debt was convicted of murder. No action was taken on the civil suit filed by LRF.

On July 25, the state sentenced Moses Mulenga and Amon Banda to death for the 1999 murder of Major Wezi Kaunda, the son of former president Kenneth Kaunda.

The results of the inquest into the 2002 killing by police of Alison Phiri and David Nkwambwa were not released by year's end.

There was no known action taken in the 2002 killings by police officers of Fackson Kafumukache, Henry Simwinga, and Mukata Sifu.

There was no known action taken in the 2001 police killings of Eddie Muonga and Lemeck Siamapande.

In July and August, Mai Mai rebels from the Democratic Republic of the Congo (DRC) killed numerous civilians during raids on villages near Kaputa.

b. Disappearance

There were no reports of politically motivated disappearances. Unlike in the previous year, there were no reports of abductions by Angolan government forces or National Union for the Total Independence of Angola rebels.

There was no information on the whereabouts of seven citizens detained by Angolan government forces in 2002 after they crossed the border into Angola.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police frequently used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. Authorities detained, interrogated, and physically abused family members or associates of criminal suspects in attempts to identify or locate suspects. Officers who tortured, beat, or otherwise abused suspects generally were not disciplined or arrested for such acts, although local human rights organizations, particularly LRF, were active in pressing for such action.

On March 26, police in Lusaka arrested and tortured Kalengo Kalowani, whom they suspected of involvement in vehicle theft; Kalowani was later hospitalized from his injuries. Police promised an internal investigation; however, no action was taken against the responsible officers by year's end.

On April 5, police in Lusaka arrested Shebo Silumelume on suspicion of attempted sexual assault. While interrogating Silumelume, police severely beat him and shot him in the back of the head, causing permanent brain damage. Police launched an internal investigation; however, no known action was taken against the responsible officers by year's end.

In May, police in Lusaka tortured for 3 days Webster Mfula, whom they had arrested on suspicion of aggravated robbery. Interrogators reportedly stretched Mfula's legs atop a metal bar, crushed his feet, and subsequently denied him medical

treatment; two of Mfula's toes were amputated as a result of his injuries. LRF pursued the matter in the courts; however, no further action was taken by year's end.

On October 10, the Government charged two Kabwe police officers with assault for torturing a suspect on October 4. The suspect, who was arrested on suspicion of theft, was hospitalized from the injuries he sustained during torture.

During the year, in response to recommendations made in the 2000 Torture Commission report, the Government announced that alleged victims of state-sanctioned torture following the 1997 coup attempt may file individual claims for compensation in the local courts.

Police also sexually abused detainees during the year. For example, on May 7, police in Livingston sexually assaulted Mary Goma, who had been arrested in connection with a theft at her place of business. Goma, who was pregnant, lost so much blood as a result of the assault that doctors were forced to induce an abortion. On June 19, police announced an investigation into the case; however, no known action was taken against the responsible officers by year's end.

On July 14, a police officer physically and sexually assaulted Linda Zulu in the presence of hundreds of witnesses near Lusaka's City Market. At least one other police officer stood by while her attacker and local youths assaulted Zulu. The police Victims Support Unit (VSU) investigated the case; however, no known action was taken against the responsible officers by year's end.

In February, the Government agreed to pay \$1,600 (8 million kwacha) in compensation to police officer Likomba Simunji, who 20 senior police officers unlawfully detained and tortured in 2000; the award followed a successful LRF lawsuit. On May 22, police arrested Joseph Chitambo, a senior police official, who extorted money from a local couple in his capacity as a public servant; Chitambo was charged with theft and extortion by a public servant.

No action was taken against the responsible police officer in the 2002 beating of Leonard Zimba, who filed a civil suit against the State; the suit was pending at year's end.

There were no known developments in the 2002 cases of Joe Shapi Mulenga and Wilbroad Chewa. The results of the 2002 internal investigation into rapes by police officers were not known by year's end.

There was no known action during the year, nor was any action likely to be taken, against police officers responsible for numerous 2001 cases of torturing, beating, or abusing persons.

In July, Choma-area village Headman Victor Muzimo and his two messengers were sentenced to 1-year imprisonment with hard labor for whipping a village resident accused of theft. In handing down the sentence, the presiding judge noted that the law did not permit chiefs or village headmen to inflict corporal punishment on their subjects.

Prison conditions were harsh and life threatening. According to official December statistics, prisons designed to hold 5,500 inmates held more than 13,200 prisoners, 5,100 of whom were pre-trial detainees. The Lusaka Central Prison, built to hold 400 inmates, reportedly held 1,396 prisoners at year's end; some prisoners slept sitting upright. Severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water, resulted in serious outbreaks of dysentery and other diseases, including tuberculosis. Between January and September, 149 convicted prisoners and 107 detainees died in custody, primarily from tuberculosis and malaria. During the year, the Government released \$120,000 (600 million kwacha) to improve prison sanitation and access to potable water. Unlike in the previous year, there were no reports of starvation in the prisons; however, the nongovernmental organization (NGO) Boy Empowerment International, which began donating food during the year to inmates from families too poor to deliver food, noted that such inmates were frequently deprived of food.

On May 3, the Government announced the presidential pardon and immediate release of 16 prisoners whose crimes had been committed with the mitigating factor of mental illness or defect; none still suffered from mental illness when released.

Women and men were held separately; however, juveniles often were not held separately from adults. For example, on January 5, a 6-year-old boy was transferred from Mumbwa State Prison to the Mukobeko Maximum Security Prison to await trial for the 2002 killing of a 3-year-old. During his stay in the two prisons, the first grader shared the same cells and daily routines as the adult inmates. On February 20, following a petition by LRF, the court reduced the charge to manslaughter and released the boy on bail; on March 4, the Kabwe High Court dismissed the charges against the boy.

Pretrial detainees were not held separately from convicted prisoners.

There were reports of prison deaths due to neglect during the year.

The Government permitted prison visits by both domestic and international NGOs and by resident foreign diplomats during the year. Provincial human rights committees periodically inspected prison conditions; LRF continued its prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. Criminal suspects were arrested on the basis of insubstantial evidence or uncorroborated accusations.

Police posts in towns throughout the country reported to one of nine provincial police stations, which in turn reported to the central police command in Lusaka. Lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. Human rights training during the year raised police awareness of human rights; however, the use of excessive force continued, and corruption was widespread. Police released prisoners in exchange for bribes, detained citizens in private debt disputes for a portion of the payment owed, extorted at roadblocks, and required document processing "fees" or "gas money" to commence investigations. Some of those police officers arrested were convicted and sentenced to prisons; however, most went unpunished unless an NGO took up the case on behalf of the victim. Punishment, if any, usually came years after the abuse was committed, and the accused officers often remained on duty in the interim.

During the year, the Government took some steps to address these problems. On May 7, the Government officially launched the PPCA, to which members of the public could direct complaints of police harassment and abuse. On May 18, following the submission of a complaint to the PPCA by a local businessman, the Inspector General (IG) of Police, who has 60 days to carry out the PPCA's instructions, personally arrested two police officers for theft of a motor vehicle. On June 16, the police department announced that it had arrested 148 police officers engaged in criminal activities since the 2002 inception of the Police Professional Standards Unit. On August 18, President Mwanawasa and the Minister of Home Affairs publicly criticized the police for continued human rights violations. On September 19, the PPCA directed the IG of Police to dismiss four police officers for unlawfully detaining suspects in May 2002. The recently-appointed IG, who claimed that the PPCA lacked the statutory authority to direct him to take action, refused to carry out the directive. Government officials were trying to resolve the jurisdictional dispute between the PPCA and the IG at year's end.

There was a functioning bail system; however, prisons were overcrowded in part because of the numerous offenses for which bail is not granted, including treason, murder, aggravated robbery, and violations of narcotics laws, as well as lesser offenses such as motor vehicle theft. During the year, there were public calls for the addition of child sexual abuse to the list of nonbailable crimes (see Section 5).

Indigent detainees and defendants rarely had the means to post bail. The Government's legal aid office was responsible for providing representation for indigent detainees and defendants in criminal or civil cases; however, in practice, few received assistance. The office had nine attorneys during the year.

Police arbitrarily arrested family members of criminal suspects (see Section 1.f.).

Police frequently arrested individuals as a pretext for stealing their property or extorting bribes. For example, on February 3, Mansa police reportedly arrested Mackson Chapwe on charges of disorderly conduct and took his money and wristwatch. Upon his release 2 days later, police informed Chapwe that his possessions were missing, and returned the items only after the intervention of LRF.

On April 2, according to LRF, a police officer arrested and detained Mulenga Mumbi and his wife on suspicion of theft. After 7 days, during which the officer occasionally beat the couple, the officer offered to release them for \$30 (150,000 kwacha). The couple refused to pay the officer, who later denied ever having made the offer to release them from custody. Police stations frequently became "debt collection centers," where police officers acting on unofficial complaints detained debtors without charge until they paid the complainants; in return, the police received a percentage of the payments. Officers found engaging in this practice reportedly were disciplined.

Authorities detained three journalists during the year (see Section 2.a.).

On January 28, the court dismissed for insufficient evidence the charges against three United Party for National Development (UPND) activists who were arrested in December 2002 for the murder of freelance journalist Charles Lwiindi; some observers believed the arrests were politically motivated.

Pre-trial detention often was prolonged. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours; in practice, the authorities held most detainees for more than 1 month from the time of detention to the first appearance before a magistrate. In some cases, defendants were awaiting trial for as long as 2 to 3 years. In past years, some defendants had waited as long as 10 years for completion of appeals processes that reached the Supreme Court. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments (see Section 1.e.). Such delays resulted in a May 14 brawl at the Lusaka Magistrate's Court between police and 20 detainees, who refused to board a prison bus to protest a court adjournment that further delayed the adjudication of pending cases; one detainee was injured in the brawl. Attorneys and family members were permitted access to pre-trial detainees.

The law prohibits forced exile, and the Government did not use it. Unlike in previous years, the Government did not deport persons; however, in July, the President publicly suggested that NGO leaders critical of the Government might be deported (see

Section 4).

On March 4, Liberal Progressive Front President Roger Chongwe returned to the country from self-imposed exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system was hampered by lack of resources and inefficiency. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court.

Courts continued to act independently and at times made judgments and rulings critical of the Government (see Section 3). For example, on September 24, the Supreme Court nullified the 2001 electoral victory of MMD parliamentarian and Minister of Defense Michael Mabenga and stripped him of his parliamentary seat and ministerial portfolio. The court further recommended that Mabenga, who diverted money from the local Constituency Development Fund to finance his campaign, be charged criminally for theft of public funds during the 2001 campaign; however, no charges had been filed against Mabenga by year's end.

On February 25, the judiciary charged former President Chiluba with 59 counts of corruption, and in early August, the court added another 96 charges; other officials from the previous and current Government faced similar charges. On December 9, Chiluba, former intelligence chief Xavier Chungu, and five other former government officials went on trial for "plundering the national economy"; the trial was ongoing at year's end.

On December 18, the Supreme Court upheld the treason convictions and death sentences of 44 of the 59 soldiers arrested following the October 1997 attempted coup. The Court ruled that the Government had failed to prove the substantive involvement in the coup of 10 prisoners, who were immediately freed; 5 soldiers died awaiting their appeal.

The Supreme Court had appellate jurisdiction for all legal and constitutional disputes. The High Court, which held regular sessions in all nine provincial capitals, had authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts had original jurisdiction in some criminal and civil cases; local, or customary, courts handled most civil and petty criminal cases in rural areas.

Local courts employed the principles of customary law, which varied widely throughout the country. Lawyers were barred from participating in proceedings in such courts, and there were few formal rules of procedure. Presiding judges, who usually were prominent local citizens, had substantial power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters. Judgments often were not in accordance with the Penal Code; for example, they tended to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts were public, and defendants had the opportunity to confront their accusers and present witnesses; however, many defendants lacked the resources to retain a lawyer, and the limited resources of the Government's legal aid department meant that legal aid was unavailable for many citizens. Courts were congested, and there were significant delays in trials while the accused remained in custody (see Section 1.d.). In many cases, at least 6 months elapsed before a magistrate committed the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court took months, or, in some cases, as long as a year. Once a case reached the High Court for trial, court proceedings lasted an average of 6 months. Approximately 30 of 72 magistrate positions were filled by fully qualified attorneys; the rest were filled by lay magistrates.

On March 30, magistrates and local court justices went on strike for nearly 2 weeks to demand better pay and conditions of service. On July 9, judiciary workers again walked off the job in cities throughout the country, demanding government payment of housing allowances; operations in the judiciary slowed to a halt during the 2-week strike. On August 27, judicial workers joined other civil servants in a nationwide strike to protest the non-payment of housing allowances to government workers, slowing down judicial operations in September (see Section 6.b.).

On October 13, High Court Chief Justice Ernest Sakala announced that the courts would rely increasingly on mediators to reduce case backlogs, particularly in the Industrial Relations Court; mediators were not bound by strict rules of evidence or procedure. No information was available on the initiative by year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government frequently did not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and often arrested alleged criminals at their homes without an arrest warrant.

The Constitution grants the Drug Enforcement Commission and the ZSIS authority to wiretap telephones for probable cause.

Authorities sometimes detained, interrogated, and physically abused family members of criminal suspects to obtain their cooperation in identifying or locating suspects. For example, on February 10, police arrested two children, aged 13 and 18, and charged them with obstruction of justice for failing to disclose the whereabouts of their father, Joshua Chinyama. With the assistance of LRF, Chinyama sued the police in court; however, no decision had been reached in the case by year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights in practice. The law includes provisions that may be interpreted broadly to restrict these freedoms. Journalists in the government-owned media generally practiced self-censorship; however, the private print media routinely criticized the Government.

A number of privately owned newspapers questioned government actions and policies, and these circulated without government interference. The government-controlled Times of Zambia and Zambia Daily Mail were two of the most widely circulated newspapers.

In addition to the government-controlled radio station, there were several church-related radio stations, six private commercial radio stations, and three community radio stations in the country. Radio Phoenix rebroadcast programs from Voice of America, British Broadcasting Corporation (BBC), and South African Broadcasting Corporation. A Catholic radio network, Radio Yatsani, continued broadcast operations; however, its radio license limited the station to three newscasts of 3 minutes each per day, and the Government still had not approved its application for a television station by year's end. Yatsani officially had permission to rebroadcast programs from Vatican Radio and news clips from the BBC; however, it first had to have excerpts approved by the Ministry of Information, a process that effectively eliminated timely rebroadcasts. On May 5, Radio France International began broadcasting to Lusaka and Kitwe in French and English.

The Government-owned ZNBC was the sole local-content television station, and opposition political parties complained that government control of the station and of two major newspapers limited their access to mass communication. TV Africa, based in South Africa, provided free broadcasts of local and BBC programming. Multichoice, a telecommunications company based in South Africa, and CASAT provided satellite and analog wireless subscribers with television services, which included broadcasts of foreign news sources. None of the services included local news coverage.

The police harassed and arrested journalists during the year. On January 21, police detained without charge Monitor newspaper journalists Arthur Simuchoba, Calvin Kaley, and Chali Nondo; the three were questioned for several hours about an October 2002 article that charged the President's brother with corruption; the International Secretariat of Reporters Without Borders criticized their detainment. On February 5, Nondo was arrested and questioned about an article regarding magical charms used by former Minister of Foreign Affairs Katele Kaluma; he was released the same day.

During the year, the Government interfered with radio and television stations. For example, on February 27, Information Minister Newstead Zimba threatened to revoke the operating license of Radio Icengelo, a private religious station, for granting air time to opposition politician Michael Sata. Zimba further cautioned community radio stations and the Trinity Broadcasting Network not to criticize the Government or use sarcasm; however, the Government took no further action during the year.

On September 19, the country's only private television station, Omega, was granted a stay of execution to the High Court's order to cease operations; the Government claimed that Omega had failed to comply with aspects of its regulatory agreement. On November 1, police officers raided Omega and ordered the staff to cease test broadcasts immediately. Observers noted that the Government's action may have been in response to the involvement of former Press Secretary Richard Sakala, who was a major investor in Omega and a leading defendant in the Government's ongoing anti-corruption trials. The Government took no further action during the year; however, the station remained closed. The Government exercised considerable influence over the government-owned media, including reviewing articles prior to publication and censoring individuals responsible for published articles or programs deemed offensive by the Government. As a result, journalists in the government media generally practiced self-censorship, and the media continued to be supportive of the Government.

In response to headlines and stories alleging official corruption, those accused and others brought numerous libel suits against the Post, an independent daily newspaper, and the bi-weekly Monitor newspaper.

On May 12, the Lusaka High Court instructed the Sheriff of the country to seize assets from the Monitor newspaper, the Inter-African Network for Human Rights and Development (AFRINET), and former Monitor reporter Calvin Kaley to pay for over \$18,000 (90 million kwacha) in damages and \$12,000 (60 million kwacha) in interest owed by Kaley, the Monitor, and AFRINET to three human rights commissioners; in 2000, the commissioners had won a libel suit against Kaley, the Monitor, and AFRINET following the Monitor's publication of an article accusing the commissioners of corruption. AFRINET and the Monitor sold all of their vehicles to pay the judgement.

On June 30, Peter Mumba, Permanent Secretary of the Ministry of Home Affairs, sued the Monitor for libel in response to allegations in an April edition that Mumba had been implicated in a corruption investigation; the lawsuit was pending at year's end.

The law provides that investigative tribunals can call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal can result in charges of contempt punishable by up to 6 months in jail. The media criticized these provisions as clear infringements of freedom of the press and as a means for parliamentarians to bypass the court system.

The Government did not restrict access to the Internet. Many newspapers, both private and government owned, had websites.

The Government did not restrict academic freedom. Although the law gives the University Council a mandate to address faculty concerns, the Minister of Education was empowered to appoint the members of the Council; some academics criticized this provision as an infringement of academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government occasionally interfered with this right in practice.

During the year, government officials, opposition leaders, and NGOs criticized the Public Order Act (POA), which requires rally organizers to notify the police 7 days in advance of a rally, and which the police often used to deny demonstration permits. On January 21, Acting Home Affairs Minister Ludwig Sondashi criticized the POA for its failure to conform to democratic standards; the same day, Francis Musonda, the IG criticized the POA as an anachronism from the authoritarian years of colonial rule. On June 25, Amnesty International accused police of using the POA to arbitrarily obstruct opposition parties and NGOs in their efforts to hold public demonstrations; police denied the accusation.

On March 6, Kitwe police obstructed the planned rally of Michael Sata, the President of the opposition Patriotic Front Party, citing a presidential visit to the city the same day. On March 20, Lusaka police again obstructed a Sata rally, citing the unfavorable security situation in Lusaka.

On March 8, the Government closed the University of Zambia (UNZA) following a month-long strike by lecturers and researchers over unpaid leave benefits and long service bonuses (see Section 6.b.). Lusaka police subsequently obstructed a demonstration scheduled for March 14 by the Zambian Independent Monitoring Team (ZIMT), which had called for demonstrations to demand the reopening of UNZA. The police commanding officer reportedly vowed never to allow a ZIMT rally. On March 27, police forcibly dispersed a student demonstration to end the ongoing strike; one student was shot and killed. Police promised an investigation into the killing; however, the results were not released by year's end. University classes resumed in June.

On August 9, police officers threatened opposition members of Parliament and their supporters with violence before allowing a rally to continue in Lusaka; the rally organizers had a valid permit for the gathering. Lusaka's commanding officer, Chendela Musonda, attributed police actions to a breakdown in internal police communication.

On November 18, police fired live ammunition during a demonstration to protest the death in custody of Chisenga Chisenga (see Section 1.a.).

No known action was taken against security forces who used excessive force when dispersing a spontaneous demonstration in 2002.

The Constitution provides for freedom of association; however, the Government placed some limits on this right in practice. All organizations must formally apply for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications. There were 45 political parties and dozens of NGOs registered. The Government threatened to take action against those organizations that did not submit annual reports to the Registrar of Societies; however, no action has ever been taken. During the year, the Government deregistered two associations following clashes between them (see Section 6.b.).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Although the Constitution declared the country a Christian nation, the Government in practice generally respected the right of all faiths to worship freely.

The Government required the registration of religious groups, and the Government approved all applications for registration from religious groups without discrimination.

On July 2, police in Lusaka raided an Islamic school and arrested the operators for unlawful confinement and child abuse; boys between the ages of 4 and 10 endured harsh conditions while studying Arabic and Islam at the school. The following week, police raided two similar Islamic schools in the Lusaka area. On November 10, the Director of Public Prosecutions dropped the charges without explanation. The High Court subsequently ordered the deportation of the operators, who were not citizens of the country; an appeal to the deportation order was pending at year's end.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, at times the Government limited them in practice. Police continued to man numerous roadblocks around the country to control criminal activity, enforce customs and immigration regulations, check drivers licenses, and inspect vehicles for safety compliance. Police at times extorted money and goods from motorists at these roadblocks. To reduce opportunities for corruption, signs were erected at some roadblocks serving notice that payment of fees was prohibited; however, these signs were not notably effective.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol. In May, the Government provided temporary protection to more than 500 Congolese who fled the DRC following the April 25 pullout of Uganda troops. The UNHCR estimated that there were approximately 225,000 refugees in the country at year's end, most of whom were Angolans and Congolese; 125,000 of the refugees were in formal camps.

Voluntary repatriation of Angolan refugees began during the year, and more than 18,000, primarily from the Meheba and Mayukwayukwa camps, were repatriated by year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage. Under the Constitution, the President exercises broad authority. The National Assembly ratifies major appointments and theoretically has broad powers.

In December 2001, 11 political parties contested the presidential elections. Levy Mwanawasa, the MMD presidential candidate, was elected with 29 percent of the vote; runner-up Anderson Mazoka, the UPND candidate, won 27 percent of the vote. The remaining 44 percent of the vote was divided among the other nine opposition candidates. The MMD won 69 out of 150 elected parliamentary seats, leaving it slightly short of a majority; the remaining 81 elected seats were divided among several opposition parties and 1 independent member. Approximately 55 percent of eligible voters registered, and approximately 70 percent of registered voters cast ballots. President Mwanawasa was sworn in on January 2, 2002. Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the election results. The MMD's use of government resources during campaigns, including the government-owned media, called into question the fairness of the elections. Opposition parties further alleged that significant rigging took place during the elections.

Anderson Mazoka, the UPND runner-up in the 2001 presidential election, Christon Tembo of the Forum for Democracy and Development, and Godfrey Miyanda of the Heritage Party challenged the election results. In July 2002, the court banned public comments on this matter after the three petitioners claimed that they were intimidated by President Mwanawasa's warning in a media interview that his accusers should "be prepared to accept as a reward for their evidence that they should be prosecuted and possibly convicted of theft or corrupt practices."

On May 16, the Supreme Court found Mazoka and Vice-President Enoch Kavindele in contempt for having discussed the presidential election petition in the media. The court ordered Mazoka and Kavindele to pay a fine of \$600 (3 million kwacha) and \$200 (1 million kwacha), respectively; the election petition was still pending before the Court at year's end.

Since the 2001 general election, the Government has convened 15 parliamentary by-elections in the constituencies of Mwandia, Keembe, Kabwe Central, Bwacha, Lukulu East, Kantanshi, Kaoma, Nangoma, Lufwanyama, Mwansabombwe, Solwezi Central, Msanzala, Mulobezi, Mpika, and Mwinilunga East; 4 resulted from expulsions by opposition parties of incumbents who had ac